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CONTINENTAL BUSINESS CREDIT, INC., a  
7 California corporation

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10  
11 CONTINENTAL BUSINESS  
CREDIT, INC., a California  
12 corporation,

13 Plaintiff,

14 vs.

15 CHECKMATE CASH ADVANCE  
CENTERS, LLC, a Delaware limited  
16 liability company, CHECKMATE  
CASH ADVANCE CENTERS,  
17 ALABAMA, LLC, an Alabama  
limited liability company,  
18 CHECKMATE, CASH ADVANCE  
CENTERS, SOUTH CAROLINA,  
19 LLC, a South Carolina limited  
liability company, CHECKMATE  
20 CASH ADVANCE CENTERS,  
WISCONSIN, LLC, a Wisconsin  
21 limited liability company,  
TITLEMATE CASH ADVANCE,  
22 LLC, a Delaware limited liability  
company, and TITLEMATE CASH  
23 ADVANCE, SC, LLC, a South  
Carolina limited liability company,  
24 JAMES C. RICHARDS, an  
individual, CATHERINE HART, an  
25 individual,

26 Defendants.  
27  
28

Case No. CV-10-3206 VBF (SSx)

~~PROPOSED~~ JUDGMENT IN  
FAVOR OF PLAINTIFF ON ITS  
MOTION FOR SUMMARY  
JUDGMENT

1 The Court, having considered plaintiff Continental Business Credit, Inc.'s,  
2 ("Continental") Motion for Summary Judgment or, Alternatively, for Partial  
3 Summary Judgment against defendants James C. Richards ("Richards") and  
4 Catherine Hart ("Hart"), Continental's supporting papers and evidence, the  
5 opposition papers of Richards and Hart, the record on file in this action, and the  
6 arguments of counsel, in accordance with the Court's June 14, 2011 Order, a true  
7 and correct copy of which is attached hereto as "Exhibit A," the Court finds and  
8 adjudicates that:

9 1. Richards and Hart are jointly and severally liable under the Validity  
10 Guaranties, dated December 28, 2006, for all Obligations<sup>1</sup> under the Loan  
11 Agreement entered into on January 8, 2007.

12 2. That Continental has been damaged by Hart and Richard's breach of  
13 the Validity Guaranty in the amount of \$440,803.05, plus accrued interest of  
14 16.2%. The total amount of accrued interest is \$10,857.72.

15 Accordingly, IT IS HEREBY ADJUDICATED AND DECREED that  
16 defendants James C. Richards and Catherine Hart are joint and severally liable on  
17 Continental's Fifth, Sixth, Seventh, and Eighth Claims for breach of guaranty and  
18 money due in the total amount of \$451,660.77.

19 IT IS SO ORDERED.

20  
21 Dated: 7-11-11

*Valerie Baker Fairbank*

22 The Hon. Valerie B. Fairbank  
23 United States District Judge

24  
25 BN 9456979v1

26  
27  
28 <sup>1</sup> As defined in the Loan Agreement dated January 8, 2007.

EXHIBIT A

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. **CV 10-3206-VBF (SSx)**

Dated: **June 14, 2011**

Title: Continental Business Credit, Inc. -v- Checkmate, Cash Advance  
Centers, LLC, et al.

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PRESENT: HONORABLE VALERIE BAKER FAIRBANK, U.S. DISTRICT JUDGE

Joseph Remigio  
Courtroom Deputy

None Present  
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

ATTORNEYS PRESENT FOR DEFENDANTS:

None Present

None Present

**PROCEEDINGS (IN CHAMBERS):**

**COURT ORDER RE PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT OR, ALTERNATIVELY,  
FOR PARTIAL SUMMARY JUDGMENT [DKT.  
#112]**

Pursuant to Rule 78 of the Federal Rules of Civil Procedure and Local Rule 7-15, the Court finds that this matter is appropriate for decision without oral argument. **The hearing set on this Motion for June 20, 2011 at 1:30 p.m. is hereby vacated and the matter is taken off calendar.**

The Court has received Plaintiff's Motion for Summary Judgment or, Alternatively, for Partial Summary Judgment (dkt. #112); Continental Business Credit's Reply to Defendants Catherine Hart and James Richards' Response to its Motion for Summary Judgment, or Alternatively Partial Summary Judgment (dkt. #124); Defendant James C. Richards' Response to Plaintiff's Motion for Summary Judgment (dkt. #125); Defendant James C. Richards' Statement of Genuine Issues of Material Fact in Opposition to Plaintiffs' Motion for Summary Judgment (dkt. #126); Defendant Catherine Hart's Statement of Genuine Issues of Material Fact in Opposition to Plaintiffs' Motion for Summary Judgment (dkt. #127); Defendant Catherine Hart's Declaration in Support of her Response to Plaintiff's Motion for Summary Judgment or Alternatively, for Partial Summary Judgment (dkt.

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#128); and related documents. For reasons stated herein, the Court **GRANTS** Plaintiff's Motion for Summary Judgment in its entirety.

On April 25, 2011, Plaintiff filed Motion for Summary Judgment or, Alternatively, for Partial Summary Judgment (dkt. #112) against Defendants James C. Richards and Catherine Hart. On May 23, 2011, Defendant James C. Richards and Defendant Catherine Hart each individually filed Responses to Plaintiff's Motion for Summary Judgment. The Court struck both responses (dkts. #120, 123), as both responses were in violation of, inter alia, Local Rule 11-6 (exceeded 25 pages), Local Rule 56-2 (statements of genuine disputes of material fact lacking), and Federal Rule of Civil Procedure 5(d) (no proofs of service attached).

On May 27, 2011, Defendant James C. Richards and Defendant Catherine Hart each individually filed second Responses to Plaintiff's Motion for Summary Judgment. The Court struck both responses (dkts. #121, 122), as both responses were in violation of, inter alia, Local Rule 56-2 (statements of genuine disputes of material fact lacking) and Federal Rule of Civil Procedure 5(d) (no proofs of service attached).

On June 13, 2011, Defendant James C. Richards filed Response to Plaintiff's Motion for Summary Judgment (dkt. #125) and Statement of Genuine Issues of Material Fact in Opposition to Plaintiff's Motion for Summary Judgment (dkt. #126). On the same date, Defendant Catherine Hart filed Statement of Genuine Issues of Material Fact in Opposition to Plaintiff's Motion for Summary Judgment (dkt. #127) and Declaration in Support of her Response to Plaintiff's Motion for Summary Judgment or Alternatively, for Partial Summary Judgment (dkt. #128). These responses and related documents are untimely, as they were filed 7 days before the hearing scheduled for June 20, 2011, while Local Rule 7-9 provides that oppositions shall be filed no later than 21 days before a scheduled hearing. Additionally, the responses rest upon the declaration of Catherine Hart (dkt. #128). This declaration does not constitute sufficient evidence to support oppositions to a motion for summary judgment, as the statements made by Hart are self serving and lacking adequate foundation. For these reasons, the Court finds that the responses are defective and such documents fail to raise triable issues.

Despite ample opportunity, neither Defendant has filed an adequate opposition to Plaintiff's Motion for Summary Judgment. For these reasons, the Court would **GRANT** Plaintiff's Motion for Summary Judgment. See Local Rule 7-12 ("The failure to file any required paper, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion.") Furthermore, on the merits, the moving Party meets its burden, and Plaintiff's Motion for Summary Judgment would be granted on that ground as well.

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